

**MINUTES**  
**UMATILLA COUNTY PLANNING COMMISSION**  
**Meeting of Thursday, May 2, 2024, 6:00pm**

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**COMMISSIONERS**

**PRESENT:** Suni Danforth, Chair, Sam Tucker, Ann Minton, Tami Green, Malcolm Millar, Andrew Morris, John Standley, and Kim Gillet

**COMMISSIONER**

**PRESENT VIA ZOOM:** None

**COMMISSIONERS**

**ABSENT:** Emery Gentry

**PLANNING STAFF:** Robert Waldher, Economic and Community Development Director, Megan Davchevski, Planning Manager, Carol Johnson, Senior Planner, Tierney Cimmiyotti, Planner, Charlet Hotchkiss, Planner, and Shawna Van Sickel, Administrative Assistant

**COUNTY STAFF:** Doug Olsen, County Counsel

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*NOTE: THE FOLLOWING IS A SUMMARY OF THE MEETING. RECORDING IS AVAILABLE AT THE PLANNING OFFICE.*

**CALL TO ORDER**

Chair Danforth called the meeting to order at 6:04PM and read the Opening Statement.

**NEW HEARING**

**TEXT AMENDMENT #T-095-24, AMENDMENT OF UMATILLA COUNTY  
DEVELOPMENT CODE, ADOPTING THE OFFICIAL ZONING MAP AS AN  
ELECTRONIC MAP LAYER**

Chair Danforth called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. No reports were made.

Chair Danforth called for the Staff Report.

**STAFF REPORT**

Mrs. Megan Davchevski, Planning Manager, presented the Staff Report. She stated the first request before the Planning Commission tonight is because of a need the Planning Staff have identified in order to update the Umatilla County Development Code, Section 152.029 Zoning Maps adopted by reference to reflect the modern technology available for mapping. This current language refers to the physical maps adopted in 1984 as the Official Zoning Map. She explained the proposed language archives the physical County Zoning Maps of 1984 and adopts by

reference the Official Zoning Map as an electronic map layer within the county Geographic Information System (GIS). The criteria of approval for amendments are found in the Umatilla County Development Code sections 152.750 to 152.755. She stated that this matter is a Legislative matter, because it proposes to amend the text of the Umatilla County Development Code. Therefore, the County has the authority to consider and approve the text amendment.

Mrs. Davchevski lastly explained the process of approval for a Legislative amendment by the County involves review by the County Planning Commission with a recommendation to the Board of County Commissioners (BCC), the Board of County Commissioners must also hold a public hearing and decide whether or not to adopt the proposed change to the Development Code. She stated the public hearing before the Board of County Commissioners is currently scheduled for June 5th, 2024, at 10:00 AM. She concluded that within the packets there are several attachments, the first being the preliminary findings and conclusions, and the second being the proposed text amendment, the existing language that would be removed when the text amendment, if it were to be approved, is struck through and the new language would replace it is underlined and bold.

Chair Danforth asked if any Commissioners had questions for Staff. No initial response received from any of the Planning Commissioners. Chair Danforth asked if this would digitize the mapping and not continue the need for maps on paper. Mrs. Davchevski stated that in a way yes, the maps currently are generated through an old mapping program called Geomedia, which the County no longer uses, hence the reason for the request to change. She added the mapping program used by the County is ESRI ArcGIS. With the transition to ArcGIS, the County Geographic Information System (GIS) department along with the Planning department has found the old ways of making maps are no longer feasible and were much more time inclusive. She explained our work around would be to cease making the old formatted maps, which were basically a copy of the maps produced by the County Assessors office with our Zoning layer applied to them. The Assessors department is still going to make their maps, but Zoning will be available on the Umatilla County Interactive Map. She stated we'll have a similar map that's going to be digital on the website that's going to serve as the official Zoning Map for the County. Those will be available from our department to be printed for anyone who is interested

Chair Danforth stated in one of their recent hearings people looked at the maps and stated, "Well, that's not where my property line is...". She added lots of conversations about the lines weren't quite discernable based on the digitized map, and a surveyor must plot where those property lines exist. She expressed concern regarding not having paper maps any longer and the ability to get a printed map from the County, or if the power goes out. Mrs. Davchevski answered the paper maps available at the County are not survey quality. She added the County plans to keep the ones we currently have and not dispose of them, instead they will be archived. The error seen on the current Interactive Map is because of the aerial, if the aerial image is removed the lines would be as accurate as we can get them without have a surveyor on the ground.

Commissioner Minton mentioned a previous statement from Chair Danforth regarding losing the database and assumed they would be stored and have a back-up for those files. Mrs. Davchevski agreed and stated our IT department has a number of servers that store the data. She emphasized the new mapping program, ESRI ArcGIS, also has a cloud service online to back-up data. She mentioned the old historic maps with the zoning layers have more errors than our current system due to the poor mapping program that was previously used.

Chair Danforth reiterated to staff and the Planning Commissioners to clearly speak into the microphone and hold it close, so all can hear. She asked if any testimony sheets had been received, staff stated none and verified with all virtual attendees. No callers requested to speak.

**Neutral:** None

**Opponents:** None

**Public Agencies:** None

**Applicant Rebuttal:** None requested

Chair Danforth closed the hearing for deliberation.

### **DELIBERATION & DECISION**

Commissioner Tucker stated he felt this was more of a housekeeping matter that brings us closer to the 21<sup>st</sup> century and made the following motion.

Commissioner Tucker made a new motion to recommend approval of Text Amendment T-095-24 Amending of the Umatilla County Development Code, Adopting the Official Zoning Map as an electronic map layer.

Commissioner Green seconded the motion. Motion carried with a vote of 8:0 recommending approval to the Board of County Commissioners.

### **NEW HEARING**

#### **TEXT AMENDMENT #T-094-23, AMENDMENT OF UMATILLA COUNTY DEVELOPMENT CODE, CHANGING THE LIMITATIONS ON USE AND DIMENSIONAL STANDARDS IN ZONES MUF, FR, MR, UC, CRC, RR-2, RR-4, RR-10 AND FU-10 AND MODIFYING THE LANGUAGE REGARDING USES PERMITTED WITH A ZONING PERMIT TO CLARIFY THE TYPE AND NUMBER OF DWELLINGS ALLOWED IN ZONES MUF, FR, MR, RR-2, RR-4, RR-10**

Chair Danforth read the opening statement and called for any abstentions, bias, conflicts of interest, declarations of ex parte contact or objections to jurisdiction. No reports were made.

Chair Danforth called for the Staff Report.

## STAFF REPORT

Ms. Charlet Hotchkiss, Planner I, presented the Staff Report. She stated the second request before you tonight is for a proposed text amendment to the Umatilla County Development Code. The proposed amendment would affect all properties within the following zones; Multiple Use Forest (MUF), Forest Residential (FR), Mountain Residential (MR), Unincorporated Community (UC), Rural Residential-2 (RR-2), Rural Residential-4 (RR-4), Rural Residential-10 (RR-10), Commercial Rural Center (CRC) and Future Urban-10 (FU-10). These are all residential zones and other zones with existing animal density requirements. She explained over the past several years the Umatilla County Planning Division and Code Enforcement Department has received numerous complaints from residents regarding roosters in rural residential zones. Noise complaints due to roosters crowing day and night are most prevalent, but also complaints of people keeping large numbers of roosters presumed to be used for cock fighting have been made.

Ms. Hotchkiss added that in order to remedy this ongoing situation in multiple rural residential zones within the county, the Planning Division has proposed new language within the Limitations on Use sections of multiple zones encompassed in the Umatilla County Development Code. The decision to do so was made at the direction of the Umatilla County Board of Commissioners who will have the ultimate decision of whether or not to adopt the amendment in the subsequent hearing on June 5, 2024.

Ms. Hotchkiss shared a video taken outside Milton Freewater at one of the properties where we had received many complaints of exactly what was described. She added that Staff also decided to modify some of the language used within those sections in order to better clarify the meaning of the code, as well as to rearrange and organize certain language to sections where it makes more sense. Such as moving the existing language regarding setbacks for animal sheltering structures (barns, large chicken or other fowl coops, etc.) to the Dimensional Standards sections instead of having it in the Limitations on Use sections of these zones. She highlighted where sections within the UCDC have been moved because there were better suited in a different section, and no language was changed. She added this process has resulted in other minor changes made with the well-being and proper care of animals in mind, as well as the health and quality of life for residents within the zones affected.

Ms. Hotchkiss stated since the public notice was mailed out to affected property owners on April 5, 2024, Planning has received a large volume of calls and in-person visits regarding the amendment. She added there seems to be a lot of confusion and misconceptions surrounding the proposed changes; which is why she prepared this brief PowerPoint presentation to help explain what is and is not changing. She explained the code language on the left side of the slide will remain the same if the proposed amendment is not adopted. This proposed text amendment does restrict the number of roosters and other fowl with loud calls in non-resource zones such as Rural Residential. It does increase the number of small livestock animals such as goats, sheep, etc., from two animals per acre to four per acre, and it adds the same animal density standards to other

non-resource zones such as Forest and Mountain Residential. She added the proposed text amendment does not change the number of cows and horses allowed in non-resource zones, such as Rural Residential. It does not affect resource owned land such as Exclusive Farm Use (EFU) and Grazing Farm (GF). It does not change the property line set back standards for barns and other animal sheltering structures. She mentioned again, it simply moves them to the dimensional standards section within each zone where it is better suited. It does not change your property zoning.

Ms. Hotchkiss explained the current animal density standards for residential properties has been no more than two animals (goats, sheep, cows, horses, etc.) per acre, and has been in place since 1972. While animal density standards are present in the FU-10, RR-2, RR-4, RR-10, CRC, and UC Zones, the proposed amendment will add the same animal density standards to the MR, MUF and FR zones. She explained a specific addition addressing sanitation and proper animal food storage is intended to help curb disease and illness spread through rodents, animal feces and flies. She added that Planning Staff reached out to County Land Use Planners in nearby eastern Oregon counties to inquire about their current animal density regulations in rural residential zones. This slide shows those regulations within Baker, Gilliam, Grant, Morrow and Union Counties.

Ms. Hotchkiss stated Planning Staff received a number of comments regarding this amendment and summarized those for the Planning Commission. We have received at least one comment stating, “this is dishonest, and people are already taxed to death.” This comment did not share any other concerns or references to the amendment. She added several comments in support of limiting the number of roosters in Rural Residential zones were received as well. Some stating they themselves have contacted County Code Enforcement due to their neighbors having a significant number of roosters staked separately throughout their yard and causing an excessive amount of noise day and night. She expressed that multiple comments received stated having neighbors with large numbers of roosters has reduced their quality of life and ability to enjoy their property due to the noise. Some of the comments shared the sentiments that they support amending the code to limit number of roosters since they have learned there is no recourse the Sheriff’s office, Humane Society nor PETA can take based off these complaints alone.

Ms. Hotchkiss also shared a comment received from Northeast Oregon Water Association stating they are supportive of the proposed limiting of the fowl and poultry but have concerns about increasing livestock due to the ground water quality issues. A comment received from rural residential property owner within the LUBGWMA, Tamra Mabbott, shares the same support and concerns.

Ms. Hotchkiss reached out to Jim Johnson, the Land Use and Water Planning Coordinator at the Oregon Department of Agriculture – Natural Resources Program, to inquire about whether or not it is common in Oregon for counties to regulate animal density in Rural Residential zones. Mr. Johnson provided a comment stating that, yes, it is a common practice in Oregon. He shared a

table with other Oregon counties animal density regulations. She added the proposed animal density standards for Umatilla County are similar to those in other eastern Oregon counties. She stated County Staff are requesting the proposed amendments be applicable in the Future Urban (FU-10) zone. Which is located within Hermiston's UGB. The city of Hermiston's Joint Management Agreement (JMA), Section (E)(10) requires County Land Development Code Amendments applicable in the Urban Growth Area to be processed by the City. The JMA states that amendments may be initiated by the city, the County or an affected person. Therefore, the city of Hermiston must co-adopt the text amendment for the standards to apply in the FU-10 zone.

Ms. Hotchkiss expressed that, in addition, Umatilla County is proposing an amendment to the UCDC which clarifies the uses permitted with a zoning permit, specifically regarding dwelling in zones, RR-2, RR-4, RR-10, FR, MR and MUF. Those changes in the Uses Permitted with a Zoning Permit section are being made to define what type of dwelling may be approved and how many may be permitted on a single tax lot, dependent on the zone. She stated the proposed amendment does not change the number of dwellings allowed on each tax lot, the new language is only being used to clarify the existing code language.

Ms. Hotchkiss stated this hearing before the Umatilla County Planning Commission is the county's first evidentiary hearing for the adoption as subsequent public hearing before the Umatilla County Board of Commissioners is scheduled for Wednesday, June 5th, 2024 at 10:00 AM. She stated she would like to point out there's an error in your packets, which states the meeting is being held at 9am it is at 10am. It will be in room 130 of the Umatilla County Courthouse. (Location has been clarified, it will not be held at the Umatilla County Courthouse, but instead has moved to the Vert Auditorium). She concluded that the Umatilla County Planning Commission has an obligation to make a recommendation to the Board of Commissioners to either adopt or deny this amendment to the Umatilla County Development Code.

Chair Danforth had some follow-up remarks with the packet, stating some spelling corrections were necessary. Secondly asked if questions were present for staff.

Commissioner Millar stated he is personally affected by the proposal if it were to pass. He asked if someone hypothetically had 25 roosters would they be grandfathered in, and if it does pass what would happen to the property and roosters. Mrs. Davchevski stated the property would have to be compliant with the current standards, which states poultry can't be confined in an area more than 25% of the total lot area. She added if they were in compliance with the Development Code prior to the adoption of this new language they could apply for a verification of a non-conforming use, should there be a future Code Enforcement complaint about the roosters. She continued stating they would have to prove they had roosters before the new language was adopted. Chair Danforth asked if a property owner has the roosters and they are compliant with the 25% of the total lot area and sell their land, including the roosters. How would that affect the

new owner of the property? Mrs. Davchevski answered stating as long as they didn't stop the use for more than one year, they would still remain compliant. She added if the use stops, then they would lose the non-conforming use. Chair Danforth asked if verification of compliance is only needed one time and Mrs. Davchevski confirmed that was correct. Discussion continued regarding the process of how a verification of non-conforming use is determined. Mrs. Davchevski stated it would go before the Planning Commission, where an inventory would occur for the property. At that point it may be established that, at any one time, they would not be able to exceed the number allowed at that point.

Chair Danforth referred to the property, referencing the video shown during the hearing, in Milton Freewater with roosters. She asked if this property was in compliance with the current 25% confined total lot area. Mrs. Davchevski stated they were only cited for non-compliance with the noise ordinance and stated she was not sure if they were in compliance with the current standard for confinement of poultry limits.

Commissioner Standley wanted additional clarification about which animals Code Enforcement complaints primarily are received. He asked if it was specific to chickens and roosters, or cows, sheep, and horses. Mrs. Davchevski stated Code Enforcement typically does not receive complaints about cows or horses but does receive several regarding roosters. Commissioner Standley asked if any numbers could be reported, whether it was only a small number of complaints over a year, twenty to thirty calls a year, or if it was consistent individuals reporting repeatedly. Mrs. Davchevski stated she did not have a count, but the large majority of reporting individuals wrote letters of support in the hearing packet.

Commissioner Morris asked if small businesses operating on properties, listed in this proposal, could have an impact to their businesses. Ms. Hotchkiss stated it was very unlikely unless their business was selling roosters.

Commissioner Tucker stated he had heard many concerns about government regulations on property in Oregon. He mentioned a hypothetical, assuming he is convinced that the Planning Commission should eliminate all regulations concerning these matters in Oregon and eliminate those land use decisions. He asked if it would be within the power of the Planning Commissioners to approve a recommendation eliminating of rules and regulations governing the land use in Oregon or if they were confined to the general issues that was presented in the noticed proposal. Mrs. Davchevski stated their job was to make a recommendation to the Board of County Commissioners on whether they should or should not adopt the proposed language. She added that they could reword the proposed language to a certain degree within reason. She reiterated they could not make decisions about other language outside this proposal. Anything like that would have to go to public notice as required by ballot Measure 56 to all affected property owners. She described more of the process and stated if someone wanted to request a change to the Development Code they could do that, but it would be a separate application altogether.



Chair Danforth asked if this was strictly limited to roosters or if it covered peacocks as well. Ms. Hotchkiss stated all loud fowl would be included in the proposal to limit numbers to two per lot/parcel. Chair Danforth asked if the primary concern was roosters why was there additional language added or changed. Ms. Hotchkiss mentioned the Board of County Commissioners tasked the Community Development department with this amendment. She added since we made changes within these sections in the code, and a Measure 56 notice was required, it would be beneficial to update other language to clarify or conform to updated standards. She stated further that immense research was done with animal density standard comparisons from neighboring counties. Many counties limit their roosters and other loud fowl and we wanted to include that within our proposal. Ms. Hotchkiss explained further about the additions of increasing smaller livestock, as well as modifying language for clarity.

Chair Danforth asked if this is approved, how will property owners know and understand whether they would need to verify compliance. Mr. Robert Waldher stated the original ballot Measure 56 notice was to provide public awareness of the proposed amendments. He added if approved, affected property owners would not receive a subsequent notice, with the exception of those who requested information from the public hearings with the Planning Commission or Board of County Commissioners by signing in to those meetings. Additional notices to the general public are not required and another notice would be very costly.

Chair Danforth referred to page 17, line item 152.133(C), asking if a definition of proper sanitation existed to reference if there is a code complaint. Ms. Hotchkiss stated we do not have a definition in the Development Code relating to proper sanitation. This amendment would allow Code Enforcement a statute to reference for any circumstances surrounding extreme cases. She provided an example about a neighbor that neglected their animals and manure was building up within their enclosures for a long period of time, along with the amount of smell and flies. This circumstance would warrant the use surrounding this code and allow this situation to be remedied. Commissioner Millar asked about the storage of food in metal or other rodent-proofed receptacles. He stated personally he does not do that and doesn't know many farmers that do and followed by asking why that language is added if it will not be enforced. Ms. Hotchkiss stated it was a common practice among other Eastern Oregon Counties and thought it was a good addition to have in our code in case sanitation issues with feed occur, like rat infestations. She stated, again, Code Enforcement is not going to monitor everyone's food storage containers, but it was included so reference could be made back to the code for remedying future complaints.

Commissioner Green referred to page 16, line item UCDC 152.119(D)(4) regarding enclosures for sheltering animals. She asked if someone had a chicken house/pen twenty feet off the property line and the code is passed, would they be applying for a non-conforming use. Mrs. Davchevski stated they would not, due to the fact this language already exists in the Development under UCDC 152.118(D). She added that the proposal only moves where this language is located from Limitations of Use to the Dimensional Standards within the



Development Code, and no new language was added. She reiterated this is reflected throughout the other zones within the packet.

Commissioner Morris asked about page 38, under Applicable Statewide Planning goal findings, on Goal 6: Air, Water, and Land resource quality. He mentioned Goal 6 states it does not apply to this amendment. He inquired about the groundwater pollution in the western part of the county and how this amendment, with the increased animals, would impact the polluted groundwater. Mr. Waldher stated that was something that came to light after the notice was sent out. He stated the department received comments from the Eastern Oregon H2O Group and Northeast Oregon Water Association. Their comment stated increasing the density of animals allowed could negatively impact groundwater, especially in the west part of Umatilla County, which is already impacted by the Lower Umatilla Basin Groundwater Management Area (LUBGWMA). Commissioner Morris asked if it would be appropriate for the Planning Commission to make a proposal to exclude the western part of the County with the increase of smaller livestock. Mr. Waldher stated the Planning Commission could recommend excluding the LUBGWMA area, but perhaps after listening to context from the public attending the hearing.

Commissioner Standley asked if any rules/regulations exist that would have minimized some of the complaints regarding similar issues to the video shown of the property outside Milton Freewater. He asked if this property could be grandfathered in. Mr. Waldher stated the current language in the Development Code states chicken, fowl, rabbits or similar-sized fowl shall be confined on no more than 25% of the total lot area. He added the standard is not very measurable and hard for Code Enforcement to address. The property in Milton Freewater had animals all over their property so it was difficult to measure whether or not they were using 25% of the total lot area. He stated this was one main reason for assigning a number to the proposed amendment, to make a more objective measurement. He reiterated those who may be in violation already could apply for verification of a non-conforming use. Commissioner Standley stated it was a bit difficult for him to address the complaints from public comment tonight and how they were going to help them understand the current situation.

Chair Danforth questioned section UCDC 152.134(B) on page 18, she stated it seemed like repetitive language for setbacks. Ms. Hotchkiss stated any text that is not bolded and underlined refers to existing language and not referring to structures sheltering animals. Mrs. Davchevski added the end of that section was a relocation in text from the Limitations on Standards Sections (UCDC 152.133(D)) and moved to the section titled Dimensional Standards and is replicated throughout the packet in the different zones, like RR-2 and RR-4.

Chair Danforth referenced page 19, UCDC 152.156(B)(a), which speaks about manufactured dwelling as provided in 152.013. She mentioned she looked up the referenced section in the Development Code and it does not mention manufactured home, but it does state mobile home. Mrs. Davchevski stated mobile home is an old term that is no longer used by Oregon State Building Codes Division and manufactured home or manufacture dwelling is often used

interchangeably. She stated the terms have become synonymous. This section was added to clarify single family dwelling. She added that issues with misinterpreting one's ability to have one single family dwelling as well as a manufactured home, which is not the case. Property owners may have one or the other. Chair Danforth stated she has more issues with the UCDC 152.013 definition of mobile home and not manufactured dwelling. She asked if this could be changed throughout the proposed amendment. Mrs. Davchevski stated this is likely something we could change.

Chair Danforth asked how the Commercial Rural Center (CRC) zone would be affected by this proposal. Mrs. Davchevski stated the CRC zone is a very limited zone only one area exists outside of Hermiston near Punkin Center Road. She added the zone intended purpose is for commercial uses serving the nearby residential areas and this zone had animal density standards in it and was included to make the standards across the board for all those zones.

Chair Danforth also asked about page 31, regarding accumulative mixed density referenced under UCDC 152.338(A). Which lists an example for mixed-size livestock the maximum density will remain two per acre, with reference to horses and goats there could only be two at any given time per acre. Chair Danforth asked if regardless of the size of acres would you still only be allowed two roosters. Ms. Hotchkiss confirmed that was correct, only two roosters could be on any sized lot. She added that the measurements are per lot and not by acre.

Chair Danforth also mentioned there was a correction on page 37 in the packet, under Goal 2, it states United States Department of Agriculture and asked if that was supposed to be Oregon Department of Agriculture. Ms. Hotchkiss agreed that was a mistype and would be corrected. Chair Danforth also asked about Goal 4, Forest lands, stating it would not affect forest zoned lands, and asked if Forest Residential would be considered forest zoned lands. Mrs. Davchevski answered stating Forest Residential (FR) zoned properties are not Goal 4 protected lands, they are called exception lands similar to how we have Goal 3, EFU land. The amendment does not apply to Goal 3 or Goal 4 lands.

Chair Danforth expressed questions on page 38, under Goal 9 Economy, does not apply to this amendment. She asked if a landowner is operating a small business with small animals or similar, could this affect them economically. Mrs. Davchevski asked if she meant that the rooster amendment would affect them economically. Chair Danforth confirmed that is what she was inquiring. Mrs. Davchevski stated the findings prepared are draft findings and the Planning Commission can make additional findings. This application does not apply to employment lands, which is what Goal 9 refers to. She stated this would not affect commercial farm uses, like hog and poultry farms, and the existing language in the Development Code regarding those zones are not included in these proposed changes. Chair Danforth asked about page 39, under Goal 14 "Urbanization" unique to Hermiston. She asked if another Future Urban (FU-10) zone could be applied somewhere else in the County in the future and how they would be impacted. Mr. Waldher agreed and stated FU-10 is unique to Hermiston within their Urban Growth Boundary

(UGB). He added it would be up to a city to decide if they wanted or needed to expand their UGB and bring additional lands into the city. He also added that was highly unlikely that another city would adopt the same zoning for FU-10.

Chair Danforth called for proponent testimony, none were present. She then called for opponent testimony.

**Opponents:** Mr. Roger Robinson, 1040 E Juniper Ave, Hermiston, OR 97838; Mr. Robinson stated he has lived at their property over the past twenty-four years and has four cows on their property. They share their livestock and rotate them on three neighboring properties, not owned by him personally. He asked what would happen if they get caught with too many livestock on his property.

Chair Danforth asked Staff to confirm if verifying compliance would be necessary if the code passes. Mrs. Davchevski stated if the property owners haven't been complying with the code they would need to comply unless they wanted to apply for verification of non-conforming use. Mr. Robinson asked why change something that has worked for them personally. They have too many cattle to keep on a single property, but between his and neighboring properties they would be compliant. Chair Danforth reiterated that Code Enforcement is complaint driven, she is not condoning non-compliance but if they were to not have all four cows on one property then it would likely not cause an issue.

**Opponents:** Mr. Juan Villarreal, 1080 W Nelson Lane, Hermiston, OR 97838; Mr. Villarreal wanted to know how many animals he could have on his two and one-half acreage. He stated they have goats. The females bear offspring and wanted to ensure he is understanding the numbers he can have so he is remaining compliant. Chair Danforth stated the current Development Code has that information included, but Staff could advise him further. Mr. Villarreal also stated he has two roosters and asked if he would have to remove them. Chair Danforth stated that if this passes property owners would have the ability to apply for verification of compliance. She also mentioned this was not the only hearing, as final decision goes through the Board of County Commissioners.

**Opponents:** Ms. Donna Daly, 77762 Honeysuckle Lane, PO Box 152, Weston, OR 97886; Ms. Daly stated she has approximately 18 goats on five acres and additionally raises bummer lambs, but then sells them. She asked if the number of smaller livestock she owns would be out of compliance. She also mentioned she has four roosters and realizes they do make a lot of noise.

**Opponents:** Mr. Justin Stewart, 310 Riley Lane, PO Box 54, Adams, OR 97810; Mr. Stewart thanked staff for giving him the ability to come and speak before the Planning Commissioners. He stated he owns five acres and has goats, chickens, and one rooster. He recalled serving on a council with the City of Adams and realizes what painstaking process it is to hear the issues being addressed and then determining a way to remedy the situation. He stated he was happy to learn a lot regarding the proposal and realized changes may need to be made.

**Opponents:** Mr. David Turk, 43220 Main St, Pendleton, OR 97801; Mr. Turk stated he came to learn that evening. He stated he does not personally own any livestock and never has. He doesn't understand the reasoning why neighbors are upset about neighboring properties livestock since that is primarily the reason for rural properties.

**Opponents:** Mrs. Renee Rueppel, 41553 Peter St, Pendleton, OR 97801; Mrs. Rueppel stated she had a few questions. The first, why not just focus on the complaints themselves, instead of trying to change everything to include everybody else. She added why reach out to other counties when we should be asking the residents to see what is and is not working for them. Mrs. Rueppel also asked about eggs hatched and roosters aren't identifiable until they are almost two to three months old. They raise roosters for food and disposing of them prior to maturity or butchering age is a waste of meat. She added they prefer to raise their own food due to knowing what their animals are consuming and feels it is healthier than what may be fed to store-bought and butchered poultry and other goods. She also asked how Code Enforcement makes determinations on complaints and their legitimacy, rather than just complaining unwarranted. She ended with stating livestock control is not necessary, animal control is and is more of an issue.

**Opponents:** Mr. Dustin Knight, 1280 Minnehaha Rd, Hermiston, OR 97838; Mr. Knight asked if a building was erected for the purpose of being a shed with a setback of 25 feet away from the property lines. He inquired if the purpose of the building was changed to animal sheltering, would he be required to now move this structure another 10 feet from the property line. Additionally, he asked if a property was 3.7 acres, how many livestock could be allowed, and would density allowance round up to be 4 acres or restricted to 3-acre standards. Mr. Knight's remaining question regarding housing development and what permits would be required, frequency, and if annual renewal for homes and those for subsidizing more livestock.

**Opponents:** Mr. Owen Hegdal, 309 S Broad St, PO Box 388, Weston, OR 97886; Mr. Hegdal was concerned with the proposal because the language seemed too general when it comes to breed sizes, specifically pertaining to rabbits (large or small breed) or miniature versus average breed cattle. He also mentioned it was difficult to determine size of a property utilized for confinement for rabbits, because typically they are underground. He expressed discontent for the changes being forced because of suspected rooster fighting. Mr. Hegdal concluded that all property owners want is to have the freedom to pursue life and how they use their land.

**Opponents:** Ms. Rochelle McMahon, 80664 Forcade Ln, Hermiston, OR 97838; Ms. McMahon stated she did not understand the number decreasing between mixed-sized livestock in UCDC 152.118. She stated four goat's excrement does not total that of one cow, and believed it was unclear how the number was derived. She also questioned the difference in breed sizes of fowl, specifically Guinea hens, ducks, or chickens. Ms. McMahon ended stating Guinea hens are just as loud as roosters. She added she felt the language was too general and wanted to request to change for more specifics.

**Opponents:** Ms. Michelle Porter, 460 Blaine St, PO Box 145, Adams, OR 97810; Ms. Porter provided background about her family's farms and what they raise. She stated they have children raising animals for 4-H or FFA and believed these changes would affect their ability to show animals. She stated the changes affect their livelihood with their cow/calf operation on other forest-use areas and will affect other small producers completely.

**Opponents:** Mr. Daniel Tejada, 82276 Hat Rock Rd, Unit #25, Hermiston, OR 97838; Mr. Tejada stated he does not share the belief that chickens crow day and night. Chair Danforth asked him if roosters crow at night. He stated that was impossible and whoever said that is lying. He added there should not be further restrictions on rights to use land, especially since they pay their property taxes. He further explained how impacts restrict their way of living and decades of hard work. Mr. Tejada expressed how he lives far away from others and his business practices are professional and do not cause disturbances to others. He concluded by stating there are more problems that exist county-wide, and this is not one of them.

**Opponents:** Mr. Jess Terry, 910 S Townsend Rd, Hermiston, OR 97838; Mr. Terry asked if the complaints being made are brought forth by individuals who live within the cities or out in the county rural areas. He suggested a standard stating that newly relocated individuals to the county rural areas should have to live there for five years before they can make a complaint to Code Enforcement. He believed this would mitigate complaints from people who just want to complain even if it is not substantiated. He stated where they live should matter and this should be considered when Code Enforcement follows up on calls.

**Opponents:** Mr. Dan McCarty, 72062 Westfield Blvd, Pendleton, OR 97801; Mr. McCarty shared a statistic from sales in Umatilla County topping almost \$400 million a year in revenue through agriculture and of that \$80.6 million from livestock industry products. He stated the complaints seem few and far between and mostly pertain to roosters. Mr. McCarty ended stating he felt this change would affect their bottom line, livelihoods, health and well-being of their families.

**Opponents:** Mr. Michael Cuneo, 71017 Arabian Dr, Pendleton, OR 97801; Mr. Cuneo thanked the audience and Staff for being there that evening. He additionally added how hard this project must have been for Staff to be tasked with from the Board of County Commissioners and the due diligence done. He stated his concern for his four-acre parcel with animal husbandry practices. He stated the general requirement for a healthy flock and egg production is 6:1 (hens to roosters). Mr. Cuneo mentioned he would be held to the same standards of a property half his size and doesn't understand that reasoning. He provided background on his family practices with stages of life with animals and raising his children. He asked if more research could be done for animal husbandry specifically and alter the numbers in the proposal. Mr. Cuneo stated the like loud-fowl terminology was not clearly defined and is open for much interpretation. He concluded they take great care of their four-acre lot, but even at certain times it is not free of flies.

**Opponents:** Mrs. Jodi Hinsley, 32945 Thorny Grove Ln, Hermiston, OR 97838; Mrs. Hinsley shared that making amendments to code that is fifty-years-old needs to be done carefully. She added context about her property and what animals she raises. She stated limiting quantities does not suddenly create sanitation. Mrs. Hinsley mentioned raising animals is always going to produce odors. She asked how Code Enforcement measures sound produced by animals. She also mentioned she has a hen that sounds like rooster especially if it is not allowed to free range within their property. She concluded stating language in this proposal needs to be carefully thought out and attention does need to be made regarding irrigated land versus non-irrigated lands.

**Opponents:** Mr. Jesus Alvarez, 33245 E Columbia Ln, Hermiston, OR 97838; Mr. Alvarez asked staff about how Code Enforcement would mitigate sound when most of it is from dogs. He stated he has a little farm and has grandchildren visit frequently and he uses that time to teach them about animals. He concluded asking staff if the goal was to take these opportunities away from the youth of the area, so they are forced into gangs instead.

**Opponents:** Mrs. Cynthia Traner, 81187 Sagebrush Rd, Hermiston, OR 97838; Mrs. Traner stated she owns 17 acres and there are peacocks on the property. She stated there are approximately thirty that are free-range. She added they have never been confined to a shelter. She asked if Code Enforcement would come shoot them if they were non-compliant. Mrs. Traner asked if staff would be monitoring the size necessary to shelter chickens, horses, cows, etc. She also asked why noise complaint aren't being addressed as the concerns are raised. She stated that Code Enforcement should increase personnel and handle those issues directly instead of forcing the masses to conform. She added that these changes will make people rely on stores for their meat and not knowing what is being put into their bodies. She questioned the definition of terms with mobile home versus manufactured home.

**Opponents:** Mr. George Klein, 51491 Highway 332, Milton Freewater, OR 97862; Mr. Klein gave some background including his dislike for animals but had to conform to raising animals due to job loss and difficulties with food/price availability during the COVID-19 pandemic. He described the importance of code, but that it can be used for good or bad reasons. He asked about what codes exist to counteract and protect the people who are raising animals against those who just want to complain and without merit. He also asked if it was necessary to create a code to mitigate the discussed problems in this proposal or if there was a different way to proceed.

**Opponents:** Mr. Adolf Klein, 50036 Schubert Rd, Milton Freewater, OR 97862; Mr. Klein contrasted the video showing roosters and compared it to the problem with dogs in the area. He stated that if the proposed changes included dogs there was a large community uproar. He gave context about his past and moving cows along the Native American Reservation. He stated an authority figure instructed them to place filters on the streams and the filters clogged up, driving the streams back underground and have never reappeared. He ended by stating rules continue to stem more rules. He believed their freedoms disintegrate with every rule that is made.



**Opponents:** Ms. Laretta Keene, 2035 W Orchard Ave, Hermiston, OR 97838; Ms. Keene stated chickens have lots of predators including skunks, predatory birds, and dogs. She asked how these changes will affect if a flock gets wiped out or needing younger chickens to continue egg production. She also made comments regarding noise with road traffic. She concluded there is already a way to deal with noise complaints with the noise ordinance.

**Opponents:** Mr. Brad McMinn, 71479 Gateway Ln, Pendleton, OR 97801; Mr. McMinn asked if a minimum of three calls could be implemented with Code Enforcement before an investigation is conducted on a property. He insisted he would be unable to maintain his flock with the proposed hen to rooster ratio. He also questioned how other fowl, like turkeys or geese, would fall under the same category of loud fowl. He ended asking if the County would be providing disposal for removal of these fowl, and if they would be forced to remove them because of the proposed limitation.

**Opponents:** Mr. Joseph Stanichak, 57894 Highway 204, Weston, OR 97886; Mr. Stanichak gave an expanded history of his background living in various larger cities, including New York City and his ability to raise chickens. He also mentioned his background with the seminary he runs and currently farms on with a variety of fowl. He stated he uses his practice in the past to teach children about farming and raising animals, he believes it is essential.

**Opponents:** Mr. Bernard Klein, 1525 NE Wagner Ln, Hermiston, OR 97838; Mr. Klein suggested the Planning Commission include the increase of smaller livestock and to dismiss the rooster limitation along with any other negative regulations. He stated he believes there are too many rules and never take anything away. He stated he believes our leadership isn't enforcing things to the letter of the law, and believes changing leadership influences those changes. He concluded stating the one positive he took from this is many neighbors were not aware of any standards being in place and now do.

**Opponents:** Mrs. Lisa Pedersen, 1530 SW 11<sup>th</sup> St, Hermiston, OR 97838; Mrs. Pedersen stated she lives in the FU-10 zone and owns sixteen acres. She is opposed to all the proposed changes because there are too many unknown variables being implied upon versus just addressing the complaints. She stated she believes this could be accomplished by becoming a better neighbor. She mentioned they lease out their land for cow/calf operations. She concluded asking if any recourse action would be taken if someone complains about when cows and calves are separated, and they are loudly crying for their young as opposed to someone playing loud music.

**Neutral Testimony:** Mrs. Deanna Garrard, 29125 Bridge Rd, Hermiston, OR 97838; Mrs. Garrard asked if this all came about because of complaints about roosters. She stated if this was the main reason why couldn't it just be settled by addressing those complaints instead of proposing a change that affects the majority. She also mentioned the notice received stated the potential proposed changes could affect the value of property and wanted to know how that would happen. She concluded by asking what the cost for a verification of non-conforming use was.

**Neutral Testimony:** Mrs. Danica Frasser-Fischer, 1055 Juanita Ave, Hermiston, OR 97838; Mrs. Frasser-Fischer stated her, and her husband own twelve acres along Cooney Lane. She stated she was concerned that she was not understanding the proposed changes due to her language barrier. She mentioned English is not her first language, understanding this information is difficult for her. She explained that fifty percent of the population in Milton Freewater and Hermiston are Spanish speakers and the need for inclusion is necessary. She asked if information could be given in multiple languages, so all citizens of the County have equal rights to be informed and to understand.

**Public Agencies:** None

**Applicant Rebuttal:** Mrs. Megan Davchevski & Ms. Charlet Hotchkiss, 216 SE 4<sup>th</sup> Street, Pendleton, OR 97801; Mrs. Davchevski stated that the Community Development Department was tasked with this application by the Board of County Commissioners, due to complaints they had received personally. She added that many in our office are just like the audience and would be affected by these changes and would need to follow the rules.

Mrs. Davchevski explained a number of people asked if their property wasn't in compliance now or they weren't aware of the current animal density standards, what would happen with them and their animals. She stated we have one part-time Code Enforcement officer currently he doesn't drive around the county counting livestock in a pasture and calculating confinement standards in place. She stated Code Enforcement is mostly complaint driven and typically those are environmental issues. She mentioned if a complaint was made regarding the number of chickens or cows on the property, they would investigate and decide whether a violation exists with the current standards. She stated that Code Enforcement takes circumstances into account and may give conditions or a warning period to come into compliance. She stated as long as the property owner is working with Code Enforcement and keeping in communication with them that's as far as it goes it's just warning.

Mrs. Davchevski addressed another question brought before staff. She stated the determination for animal density would be rounded up or down to the closest acreage as a general practice. The example given was for 3.7 acres, we would round that up to 4 acres. She added the current standard for any livestock is two per acre.

Mrs. Davchevski answered the questions regarding focusing on the complaints only instead of changing the code. She stated we must have something in the code in order to respond to a complaint. Currently, if someone has three-hundred chickens contained in one-quarter of an acre on a one-acre property they're in compliance, regardless of how much of a nuisance those chickens may be. She stated another question was asked about existing shelters and the setback requirements. The standards have not changed and are existing standards. She added if a new applicant wanted to permit a new building sheltering animal, those existing set back requirement would have to be met. This permit is an over the counter permit.

Mrs. Davchevski stated the problem with roosters is county-wide, not exclusive to Milton Freewater. She added the video shown was an example of a really extreme situation. She stated livestock do not require a permit. She explained about size differences for different rabbit breeds, and our department explored the option of defining sizes, but it got too convoluted and so in order to simplify things and make it clear, we proposed just having one standard. She added that could be changed, if found necessary.

Mrs. Davchevski stated why have these requirements, in Oregon, counties have the right and the responsibility to regulate land use regulations through their zoning ordinances. She added that Umatilla County has exercised this right since the very beginning of Planning in Oregon in 1972. She stated the main reason is to ensure compatibility with different properties. A residential zone wouldn't permit a heavy industrial type of activity, like a machine shop, because that's not compatible with a residential use.

Mrs. Davchevski reminded the Planning Commission the certain parameters around what they can and cannot recommend for approval. She stated eliminating the animal density standards altogether is not something they could do that evening. She mentioned anyone can make an application to the Community Development office at any time to amend our Development Code. This includes the Planning Commission, they could task our department with that or the Board of Commissioners.

Mrs. Davchevski stated these amendments don't apply to farm (EFU) and forest lands (GF), those are typically bigger properties zoned for exclusive farm use or exclusive forest use, they also don't necessarily apply to 4-H projects. She stated testimonies this evening brought up dogs and isn't something the county mentions frequently in our Development Code in the residential zones. She added one mention includes the maximum number of dogs you can have on a property is three, however this is not something in our proposed language change.

Mrs. Davchevski mentioned there's some issues that we're not addressing because they weren't about the proposed. She mentioned the questions about complaints and whether they lived in the city or not. She added that the county does not have jurisdiction over properties in the city, we'd refer them to the city. She expressed that the rooster video shown was on a rural residential property in the county's jurisdiction.

Mrs. Davchevski stated we cannot put anything in the language saying that if somebody's lived in a property for less than five years and they can't really make any complaints, that's not a land use standard that we could apply. She added that the Community Development department received lots of calls about this amendment. Typically, when people would call, we would explain the proposal to them and most people said, okay that makes sense, or I agree with that. She emphasized that there were a lot of people who let us know they were supportive of these changes but did not show up in person.

Mrs. Davchevski stated our Code Enforcement team cannot do anything with a complaint unless it can be tied to our Development Code. They can't enforce something that's not within the code, which is why we've tried to come up with a solution. She added that solution was the limitation on chickens and roosters that's actually objectively measurable. In the future, if there is somebody that's not in compliance, they have a code that they can point to. She stated of course dogs make noise, but it's not something we regulate unless it exceeds something in the noise ordinance. She added the County has a noise ordinance but does not have an animal control ordinance and is not regulated under land use.

Mrs. Davchevski answered the questions regarding a mobile home versus a manufactured home. She stated a mobile home is personal property and can have wheels but are no longer produced. In order to permit a new mobile home in our county, it must have a HUD label in order to be compliant. She added land use regulations don't allow both a stick-built home and a mobile/manufactured home, you could have one or the other.

Mrs. Davchevski reiterated the language on the postcard that was mailed out, stating it has a legal statement required because of ballot Measure 56 requirements. It's not that it necessarily affects the value of properties, but we have to legally reference on those notices. She stated there were questions about the cost of compliance. She added that if Code Enforcement received a complaint about a property two years from now, and they had more than two roosters causing too much noise. Code Enforcement would investigate and determine the remedy decided for that person to apply for verification of a non-conforming use. She stated an application for that would go through our office, however it is not a common application we receive.

Chair Danforth asked if there was a charge for that. Mrs. Davchevski stated the associated fee is approximately \$500 from what she could recall.

Ms. Hotchkiss continued with their rebuttal answering the following additional questions brought forth in testimonies. She answered a question regarding mixed livestock and the cumulative numbers. She stated an example with horses and goats would be two per acre because of the mixed sizes. If a property owner had just smaller livestock, like goats, you could have four per acre. She stated with comparison to other counties it made sense to limit too many animals in too small of an area. She concluded that 4-H and FFA projects would not be affected by these changes, they would still be permitted. Chair Danforth asked where the language regarding 4-H and FFA products is located. Mrs. Davchevski stated it is included in each zone in the current code. Ms. Hotchkiss expressed the language is represented in the current Development Code but is not included in this application since none of it had been changed.

Ms. Hotchkiss stated the decision to exclude specific breed sizes or types, was because it became too complicated and would ask that common sense be used with sizes of animals or like-size. Fur bearing animals would be that similar to rabbits, chinchillas, or minx.

Commissioner Tucker asked if there was a current noise ordinance and could it be used to address the noise issues with roosters and other like-fowl. He also asked why it wasn't used to address the complaints received like the one referenced in Milton Freewater. He stated that there were many written complaints about the same property included in the packet they received tonight. Mrs. Davchevski stated the County does have a noise ordinance, but it is used for excessive noise and is usually used for noisy sound systems and is enforced by the Sheriff's office. Commissioner Tucker stated evidence was listed in the record stating chickens calling and roosters can sometimes approach 130 decibels and asked if the noise ordinance lists a certain level. He also asked if it could be applicable for noise from an animal, whether it be a dog, chicken or other animal. Mrs. Davchevski stated it would likely be a question for County Counsel, Mr. Doug Olsen, who was present that evening. Mr. Olsen was unable to be heard on record but did state the noise ordinance excludes Agricultural uses.

Commissioner Morris asked to clarify if zoned farmland is excluded in this ordinance. Mrs. Davchevski confirmed this does not apply to Goal 3 agricultural land, like those who operate commercial farming operations. Commissioner Morris reiterated this would not affect those with farm businesses. Mrs. Davchevski stated this was for Rural Residential lands and other residential lands that typically have hobby farms. The primary use for those zones is residential. Commissioner Morris added that if a property was out of compliance the past twenty plus years, they'll still be out of compliance whether the ordinance was passed or not. Ms. Hotchkiss stated that was correct, and odds were that if they had been out of compliance for the last twenty years, it is likely nothing much will change. She also added that in no way would Umatilla County Code Enforcement ask for anyone to put their animals down.

Commissioner Morris asked if property owners would need to submit a form if they wish not to comply with the current ordinances, in effect since 1972. Mrs. Davchevski shared an earlier mentioned comment regarding the process of Code Enforcement and that the property owners would have to prove they complied before any proposed language was adopted.

Chair Danforth stated she felt like someone owning thirteen acres could have an actual homestead farm, actively raise animals and these changes could still impact a small farm. Commissioner Morris asked if they could get a variance to be rezoned as farmland (EFU). Mrs. Davchevski stated that would typically not happen.

Chair Danforth addressed a member of the audience because they stated there was a question that Staff did not answer regarding verifying compliance if they were not compliant with the current code; which states confinement of 25% of their property. Mrs. Davchevski stated they would only need to do that if there was a code complaint. Chair Danforth agreed but stated it would be better to verify before, so they don't wait for a complaint to come in.

Commissioner Green asked about the animal husbandry standards that were mentioned by opponent testimony from Mr. Cuneo. He stated a common animal husbandry practice was one rooster to six hens. Commissioner Green asked what research was done to address that concern.

Ms. Hotchkiss stated that our department researched and found that two roosters to forty chickens was an acceptable ratio for fertilizing and furthering egg production. Commissioner Green asked what sources were used, whether it was comparison to other counties, a veterinarian, or the Department of Agriculture. Ms. Hotchkiss stated they did comparison to other counties as well as research from the Department of Agriculture.

Commissioner Gillet asked if she heard an earlier statement correctly that Code Enforcement team consists of one part time officer or one and a half. Mrs. Davchevski stated our department has one field officer who is part-time and then a coordinator who answers calls, emails and additional correspondence with other agencies full-time

Commissioner Green asked how complaints are vetted when Code Enforcement gets a call about a property. Is it simply a name and address or do you verify whether they are within a certain distance of the property they are complaining about. Mr. Waldher responded for this particular case, the video witnessed was an actual situation where we had a code complaint. He added the Code Enforcement department received numerous complaints probably over the course of a couple years. We coordinated with the Sheriff's Office, who investigated the property. He stated we suspect there is cock fighting occurring but there is no way to prove it is happening. The roosters were chained to barrels. Mr. Waldher explained after several investigations, we actually took a noise monitor to the property and stood next to the neighbor's house. Those measurements did exceed the allowable noise levels. He concluded after consulting legal counsel, we discovered we can't pursue agricultural related noise violations.

Commissioner Green reiterated her question, if someone calls to complain what process is used to verify they are someone who lives in the area and has the right to complain. Mrs. Davchevski stated a complaint can be from anyone, they do not have to live in the vicinity. She explained the process when complaints are received as referenced previously.

Chair Danforth addressed a situation in the auditorium. She restated the appreciation with the turnout this evening and all the responses received. She explained this was time for staff and the Planning Commission to ask and answer questions since all testimony had concluded. There was a large number of the audience who were upset and decided to leave in which Chair Danforth stated was their right.

Mrs. Davchevski thanked the audience member regarding the questions that were missed in the rebuttal response. She stated a language service is not something our department currently offers; however, if a community member requested a copy of the packet in a different language, we could provide that with enough notice to prepare. Commissioner Morris asked given the county is Hispanic, could it become a practice to publish materials in both English and Spanish. Mr. Waldher explained our department does what is required by Oregon State statute but stated it would be a broader policy discussion with the Board of County Commissioners and could potentially be accommodated.



Commissioner Standley stated he felt like this was trying to kill a mosquito with a sledgehammer.

Commissioner Minton asked if there was a discussion on pursuing changes to the noise ordinance to include agriculture or was that ever considered. Mr. Waldher stated our office primarily deals with land use. He stated the noise ordinance is primarily enforced by law enforcement. He added that anyone may propose a change to a county ordinance and would recommend contacting our legal counsel and inform the interest in pursuing such a change. Furthermore, it would go before the Board of County Commissioners for their approval.

Chair Danforth closed the hearing for deliberation.

Chair Danforth adopted the following exhibits into the record:

Exhibit A; April 15, 2024, Comment submitted by Joyce Aniliker & Aniliker Manford Estate

Exhibit B; April 25, 2024, Letter to Planning Commission submitted by Judith Hedberg/Duff

Exhibit C; April 25, 2024, Letter to Planning Commission submitted by Sheri Lynch

Exhibit D; April 25, 2024, Letter to Planning Commission submitted by Sharam Goodwin

Exhibit E; April 25, 2024, Letter to Planning Commission submitted by Tamra Mabbott

Exhibit F; April 25, 2024, Letter to Planning Commission co-submitted by Northeast Oregon Water Association Director, JR Cook; Water for Easter Oregon Executive Director, Justin Green

Exhibit G; April 25, 2024, Letter to Planning Commission submitted by William & Stephanie Jackson

Exhibit H; April 26, 2024, Letter to Planning Commission submitted by Justin Berry

Exhibit I; April 30, 2024, Public Agency Comment submitted by Oregon Department of Agriculture – Natural Resource Programs, Jim Johnson, Land Use and Water Planning Coordinator

Exhibit J; Submitted during May 2, 2024 hearing, Letter to Planning Commission submitted by Roger

### **DELIBERATION & DECISION**

Commissioner Tucker stated he felt there was a pretty unanimous approval for one of the proposed items, which was the increase of small livestock from two to four animals per acre. He stated he felt it was a small improvement, but one they all agreed upon. Chair Danforth asked if

they were proposing no changes to the fowl standard of twenty-five percent. Commissioner Tucker stated he wanted to address each piece separately to simplify their discussion.

Mrs. Davchevski suggested that he make the motion to exclude subsection B and to include the other language. Commissioner Standley asked if they were able to adopt or deny the packet as presented or if it was appropriate for the Planning Commission to do a line by line item analysis and vote. Chair Danforth stated that it does not have to be all or nothing, it could be a portion recommending approval or denial to the County Commissioners. She stated what she believed Mrs. Davchevski was reiterating was to include subsection A, the Limitations of Use which would include UCDC 152.133 on page 17, to include A, exclude B and asked if Commissioner Tucker wanted to also include subsections C, D, and E.

Commissioner Tucker stated for simplicity reasons he was only asking to include subsection A. He added the other issues could be addressed as they discuss later.

Commissioner Tucker made a new motion to recommend approval that include UCDC 152.118(A), 152.133(A), 152.158(A), 152.163(A), 152.173(A), 152.218(A), 152.233(A), 152.263(A), and 152.338(A). All of which address the issue of the number of animals and expand the number of animals that could be used. Commissioner Millar seconded the motion.

Commissioner Morris requested an amendment to the motion to exclude the Lower Umatilla Basin from this motion, in regard to addressing groundwater pollution and contamination. Chair Danforth asked if Commissioner Tucker would amend his motion. Commissioner Tucker stated he would not amend his motion.

There was no second for the motion to amend Commissioner Tucker's vote. Commissioner Morris' motion died.

Chair Danforth called for the vote on Commissioner Tuckers motion. Motion carried with a vote of 5:3 recommending approval to the Board of County Commissioners.

Commissioner Tucker suggested the issue concerning noise could be better addressed by a noise enforcement change in the ordinance. He asked if they could recommend the Umatilla County Board of Commissioners consider modifying this and see if there is a better way than what was proposed.

Commissioner Morris made a motion to adopt the language as it's proposed throughout the packet.

No second was received, so the motion died.

Commissioner Minton mentioned she understood the need to discuss the problems with roosters but didn't feel it was best addressed in the proposed amendment. She agreed with Commissioner Tucker that readdressing the noise ordinance might be more appropriate or other solutions could be researched and brought forth then.

Chair Danforth stated there was not an easy answer for noisy fowl. She added she does not live in the rural areas of the county but does visit it and could see the potential for noise complaints. She stated she doesn't support limiting because in most cases it is the minority that makes changes for the majority. She ended stating personally she doesn't support anything else in this proposal.

Commissioner Standley made a motion to deny this amendment as presented this evening. Chair Danforth clarified that was his request after they just approved a portion of the proposal. Commissioner Morris stated he felt it was irresponsible that this has not been updated for fifty plus years.

No second was received on this motion. Commissioner Standley's motion died.

Commissioner Tucker made a motion to recommend they revisit their noise ordinance to address the issues raised in this meeting, including those specific to Milton Freewater.

Commissioner Green seconded the motion.

Mrs. Davchevski clarified to the Planning Commission that this was not what was before them. They could only recommend approval or denial of the proposed language. She asked if Commissioner Tucker wanted to recommend denial of subsection B with the proposed language. She also added that the Planning Commissioner could suggest they revisit the noise ordinance.

Commissioner Tucker rescinded his prior motion and made a new motion to recommend denial to the County Board of Commissioners to include UCDC 152.118(B), 152.133(B), 152.158(B), 152.163(B), 152.173(B), 152.218(B), 152.233(B), 152.263(B), and 152.338(B).

Commissioner Green seconded the motion. Motion carried with a vote of 7:1 recommending denial to the Board of County Commissioners.

Commissioner Morris made a motion to recommend approval on subsection C throughout the packet.

No second was received. Commissioner Morris' motion died.

Commissioner Millar made a motion to recommend denial to the County Board of Commissioners to include UCDC 152.118(C), 152.133(C), 152.158(C), 152.163(C), 152.173(C), 152.218(C), 152.233(C), 152.263(C), and 152.338(C).

Commissioner Minton seconded the motion. Motion carried with a vote of 7:1 recommending denial to the Board of County Commissioners.

Deliberation continued regarding subsection D and E. Mrs. Davchevski stated these changes proposed were just renumbering of subsections and relocation of Limitations on Use subsection D to under the Dimensional Standards section 4 and rewording "free and clean" to be "clean and free", and then renumbering E to D, and F to E.

Commissioner Tucker made a motion to recommend approval to the County Board of Commissioners for the relocation of the statement, “Barns, sheds, and other structures sheltering animals shall be located a minimum of 35 feet from a side or rear property line and 75 feet from the front property line;” from the Limitations on Use section to the Dimensional Standards subsection 4, rewording free and clean to be clean and free, and then renumbering the Dimensional Standards sections E to D, and F to E.

Commissioner Morris seconded the motion. Motion carried with a vote of 8:0 recommending approval to the Board of County Commissioners.

Mrs. Davchevski stated they needed to address 152.131, 152.156 and so on under (B) subsection (1), (1)(a), (1)(b) and (1)(c) and then striking through subsection (B)(3) and renumbering (B)(4) through (B)(8) to (B)(3) through (B)(7). Chair Danforth asked about UCDC 152.013 and the wording manufactured dwelling when the code does not define it with that language. Mrs. Davchevski stated the Planning Commission could alter the language to state one manufactured dwelling/mobile home. Or they could recommend that the language in 152.013 and throughout the rest of the County Development Code to change the terminology from mobile home to manufactured dwelling.

Commissioner Tucker asked what the easiest way to make that clear for definitional purposes. Mrs. Davchevski recommended having it state, one manufactured dwelling/mobile home.

Commissioner Tucker made a motion to alter the text under Uses Permitted within the RR-2, RR-4, RR-10, MUF, FR and MR zones under Uses Permitted (B)(1)(a) “Manufactured dwelling, as provided in 152.013” to state manufactured dwelling/mobile home. Recommend approval to the Board of County Commissioners under Uses Permitted, subsection (B)(1), (B)(1)(a), (B)(1)(b) and (B)(1)(c), strike-through subsection (B)(3) and renumbering (B)(4) through (B)(8) to (B)(3) through (B)(7).

Commissioner Minton seconded the motion. Motion carried with a vote of 8:0 recommending approval to the Board of County Commissioners.

## **OTHER BUSINESS**

Mrs. Davchevski stated the next hearing for this amendment will be going before the Board of County Commissioners recommending approval of some sections and denial of others. She stated the date for that hearing will be held at the Vert Auditorium on June 5<sup>th</sup> at 10am. She mentioned there would be a virtual option available as well and would be posted on the County’s website under the County Commissioner Agenda.

## **ADJOURNMENT**

Chair Danforth adjourned the meeting at 10:02PM.

Respectfully submitted,

Shawna Van Sickle,

Administrative Assistant

**Minutes adopted by the Planning Commission on September 26, 2024**